IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE ELEVENTH DAY OF JANUARY,
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

–

WRIT PETITION NO : 75 of 2005

Between:

Sri A. Ramalakshman, I.A.S., S/o. Sri Ramachandraiah,
R/o. Hyderabad.

..... PETITIONER

AND

1 Government of Andhra Pradesh,

Rep. by its Secretary to the Government,
General Administration (Accommodation)

Department, Secretariat, Hyderabad.
2 The Estate Officer (Hyderabad,

Secunderabad), Public Works Department,

R & B Campus,
Khairatabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ more in the nature of a Writ of Mandamus declaring the proceedings of the 1st respondent, in Memo No. 156172/Accom.B1/2004 Dt. 01-01-2005 and consequenital proceedings of the 2nd respondent in his letter No. B1/AM/PT-3/642/19990. 487-04, Dt. 29-12-2004, as being arbitrary, malafide and illegal and violative of Article 14 of Constitution of India and also to the statutory rules issued by the Government in G.O.Ms.No. 248, GAD, Dt. 17-05-1973 and issue a consequential direction to the respondents not to evict

the petitioner from quarter No. PJ-3, Officer's Colony Punjagutta, Hyderabad until his pensionary benefits are fully settled and issue such other writ or order or direction in the interest of justice

Counsel for the Petitioner: MR.CH.SAMSON BABU

Counsel for the Respondents: GP FOR GENERAL ADMINISTRATION

The Court at the stage of admission made the following :

O R D E R:

Heard the learned counsel for the petitioner and the learned Government Pleader for General Administration.

It is well settled that the writ petition against a show cause notice cannot be entertained.

But according to the Rules issued in G.O.Ms.No.248, GAD, dated 17-05-1973, where an Officer retires from service and his pension and other pensionary benefits were not settled and proof is shown to that effect, the retention of the quarter may be permitted for a period of four months beyond the concession period or till the pension is settled whichever is earlier.

In view of the same, the petitioner is at liberty to submit his explanation to the show cause notice dated 29-12-2004. On submission of such explanation, the Estate Officer, if satisfies that the pension and other benefits payable to the petitioner have settled in his favour and no amounts are due to

him, then he can pass a speaking order for such eviction pursuant to the show cause notice. In the event of the Estate Officer comes to the conclusion that the pension has not been settled in favour of the petitioner in accordance with the Rules, and the petitioner is entitled to retain the quarter beyond the period allowed, the same can be considered by a speaking order. Only on such speaking order is passed granting reasonable time to the petitioner, if the petitioner is liable to be evicted, proceedings can be initiated for the same. Until such final order is passed the petitioner shall not be evicted.

The Writ Petition is accordingly disposed of.

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11-01-2005

Note: Wire at party's cost.

(B/o)

Prv/Va

To

1 The Secretary to the Government,

Government of Andhra Pradesh,

General Administration (Accommodation)

Department, Secretariat, Hyderabad.

2 The State Officer (Hyderabad,

Secunderabad), Public Works Department,

R & B Campus,
Khairatabad, Hyderabad.

3 Two CCs to G.P. for General Administration, High Court

of Andhra Pradesh, Hyderabad (OUT).

4 Two CD copies.